



## STATE BOARD OF LAND COMMISSIONERS

C. L. "Butch" Otter, Governor and President of the Board

Ben Ysursa, Secretary of State

Lawrence G. Wasden, Attorney General

Donna M. Jones, State Controller

Tom Luna, Superintendent of Public Instruction

George B. Bacon, Secretary to the Board

### Summary Minutes Regular Land Board Meeting November 18, 2008

The regular meeting of the Idaho State Board of land Commissioners was held on Tuesday, November 18, 2008, in Boise, Idaho. The meeting began at 9:05 a.m. in the second floor courtroom of the Borah Building. The Honorable Governor C. L. "Butch" Otter presided. The following members were present:

Honorable Secretary of State Ben Ysursa  
Honorable Attorney General Lawrence Wasden  
Honorable State Controller Donna Jones  
Honorable Superintendent of Public Instruction Tom Luna (via conference phone)

For the record, Governor Otter recognized the presence of a quorum, with Superintendent Luna participating by conference phone.

#### • **CONSENT**

**A motion was made by Attorney General Wasden to adopt the Consent Agenda in its entirety. Controller Jones seconded the motion. The motion carried on a vote of 5-0.**

#### **1. Director's Report – approved**

- A. Interest Rate on Department Transactions – November 2008
- B. Timber Sale Activity Report
- C. Timber Sale Official Transactions
- D. Legal Matter Summary
- E. Bureau of Surface and Mineral Resources, Official Transactions – September, October 2008
- F. Fire Settlement Information

#### **2. Timber Sales – Staffed by Roger Jansson, Operations Chief-North, and Kurt Houston, Operations Chief-South – approved**

##### NORTH OPERATIONS

A. White Creek	CR-20-0266	27,753	TONS	<u>COUNTY</u> Bonner	<u>AREA OFFICE</u> Pend Oreille
B. Lower Big Fox II	CR-20-0278	2,500	MBF	Bonner	Pend Oreille

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*Minutes of Land Board Meetings:* Summary minutes are preliminary minutes prepared by the Idaho Department of Lands as a courtesy. Summary minutes have not been approved by the State Board of Land Commissioners and do not constitute the official minutes of the meeting. The Land Board typically approves official minutes within one to three months of the meeting at which the minutes were taken. Should you have any questions regarding these minutes, please contact Susan Terry, Office of the Director, Idaho Department of Lands, (208) 334-0242 or e-mail [sterry@idl.idaho.gov](mailto:sterry@idl.idaho.gov).

SOUTH OPERATIONS

C. White Pine Seed

CR-40-0980

6,785

MBF

Clearwater

Clearwater

D. Paddy Cake

CR-50-0146

4,550

MBF

Valley

Payette

3. **Adoption of a Temporary Rule to Update the Principal Office and Area Office Information for the Idaho Department of Lands as defined in IDAPA 20.01.01 – Staffed by Kathy Opp, Deputy Director – approved**

*DEPARTMENT RECOMMENDATION:* Adopt temporary rule IDAPA 20.01.01, Rules of Practice and Procedure before the State Board of Land Commissioners.

*BOARD ACTION:* Approved.

4. **Approval of Proposed Administrative Rule IDAPA 20.02.01.c, Rules Pertaining to the Idaho Forest Practices Act – Staffed by Ara Andrea, Service and Regulatory Program Manager, Bureau of Forestry Assistance – approved**

*DEPARTMENT RECOMMENDATION:* Approve the pending rule.

*BOARD ACTION:* Approved.

5. **Adoption of IDAPA 20.02.14, Rules for Selling Forest Products on State-Owned Endowment Land; Repeal of IDAPA 20.02.09, Method of Selling Products on State-Owned Endowment Lands; Repeal of IDAPA 20.02.10, Selling Forest Products on State-Owned Endowment Lands – Staffed by Bob Helmer, Chief, Bureau of Forest Management – approved**

*DEPARTMENT RECOMMENDATION:* Adopt as a pending rule IDAPA 20.02.14, Rules for Selling Forest Products on State-Owned Endowment Land, and repeal IDAPA 20.02.09 and IDAPA 20.02.10.

*BOARD ACTION:* Approved.

6. **Minutes – approved**

A. Special Land Board Meeting – November 5, 2008

• **REGULAR**

7. **Joint Meeting with the Endowment Fund Investment Board**

- A. Monthly Report – *Presented by Larry Johnson, Manager of Investments*  
B. Investment Report – *Presented by Larry Johnson, Manager of Investments*  
C. Annual Report – *Presented by EFIB Members: Dean Buffington, Chairman; John Taylor, Audit Committee Chairman; Larry Johnson, Manager of Investments*

No action was taken on this agenda item.

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**8. Timber Program Public Involvement Policy** – *Presented by Bob Helmer, Chief, Bureau of Forest Management*

*DEPARTMENT RECOMMENDATION:* Direct the Department to (1) publish statewide a legal notice that a list of sales proposed for two years in the future is posted on IDL websites; (2) discontinue January and March newspaper advertising of the annual sales plan; (3) continue to make the annual sales plan available on the IDL website as well as on the timber sale auction website; and (4) continue to allow exceptions to the published plan as outlined in the timber sale public information policy.

*BOARD ACTION:* A motion was made by Secretary of State Ysursa to adopt the Department's recommendation. Attorney General Wasden seconded the motion. The motion carried on a vote of 5-0.

**9. Request for Permanent Access Easement through State-Owned Lands in Adams County [Jewell]** – *Presented by Kurt Houston, Operations Chief-South*

*DEPARTMENT RECOMMENDATION:* Affirm the Director's decision dated February 21, 2008, denying the easement request.

*BOARD ACTION:* A motion was made by Attorney General Wasden to move adoption of the Department's recommendation. Controller Jones seconded the motion. The motion carried on a vote of 5-0.

• **INFORMATION**

Background information was provided by the presenters listed below. No Land Board action is required on the Information Agenda.

**10. Cottage Site Subcommittee Update** – *Presented by Ben Ysursa, Secretary of State*

**11. Central Washington Place Marketing Package** – *Presented by Kathy Opp, Deputy Director*

**12. Endowment Public Polling Results** – *Presented by Kathy Opp, Deputy Director*

Governor Otter left the meeting at 10:42 a.m. Secretary of State Ysursa chaired the remainder of the meeting.

At 11:47 a.m. a motion was made by Attorney General Wasden to resolve into Executive Session pursuant to Idaho Code § 67-2345(1)(f). Attorney General Wasden requested unanimous consent. The purpose of the Executive Session is to communicate with legal counsel regarding legal ramifications of, and legal options for, pending litigation or controversies not yet being litigated but imminently likely to be litigated. Attorney General Wasden requested that the secretary record the vote in the minutes of the meeting. Secretary of State Ysursa acknowledged the unanimous consent request. Hearing no objection, the Board resolved into Executive Session. (Present: Secretary of State Ysursa; Attorney General Wasden; Controller Jones; Superintendent Luna [conference phone]; Absent: Governor Otter)

- **EXECUTIVE SESSION**

- A. To communicate with legal counsel for the public agency or to discuss the legal ramifications of, and legal options for, pending litigation or controversies not yet being litigated but imminently likely to be litigated. [[Idaho Code § 67-2345\(1\)\(f\)](#)]**

At 11:06 a.m. a motion was made by Attorney General Wasden to resolve into Regular Session. Controller Jones seconded the motion. The motion carried on a vote of 4-0, with Governor Otter being absent for this vote. The Executive Session was held in accordance with the Idaho Open Meeting Law. No action was taken by the Board during the Executive Session.

At 11:07 a.m. a motion was made by Attorney General Wasden to adjourn. Controller Jones seconded the motion. The motion carried on a vote of 4-0, with Governor Otter being absent for this vote. Meeting adjourned.